

1 IN THE UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF PENNSYLVANIA

3 EXPANSE NETWORKS, INC., : CIVIL ACTION
4 Plaintiff :
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vs.

CATALINA MARKETING CORP.:

c/o CT Corporation :

System, :

Defendants : NO. 02-CV-2857

February 24, 2004

Videotape Oral Deposition of
CHARLES A. ELDERING, Ph.D., held in the
law offices of Kaufman, Coren & Reiss,
P.C., 1524 Locust Street, Philadelphia,
PA 19102, beginning at approximately
8:07 a.m., before Ann V. Kaufmann, a
Registered Professional Reporter,
Certified Realtime Reporter, Approved
Reporter of the U.S. District Court, and
a Notary Public of the Commonwealth of
Pennsylvania.

ESQUIRE DEPOSITION SERVICES
1880 John F. Kennedy Boulevard
15th Floor
Philadelphia, Pennsylvania 19103
(215) 988-9191

1 Q. So at least as a starting
2 point, I gather you'd be comfortable
3 saying that the invention that is
4 covered by Claim 1 of the '129 patent,
5 to the extent that you made it, was --
6 occurred sometime between January the
7 1st of '98, and March 12 of '99, the
8 filing date of the '129 patent?

9 A. That is correct.

10 Q. Do you have any documents
11 that would identify when you conceived
12 the invention that's covered by Claim 1
13 of the '129 patent?

14 A. I do not recall that
15 there's a specific invention disclosure
16 form for the '129.

17 Q. Did you keep records of the
18 work you were doing in '98 to
19 substantiate dates of conception and the
20 like?

21 A. I kept notes, had a
22 notebook related to the whole set of
23 inventions I was pursuing, yes.

24 Q. And does that notebook

1 of these questions. Is there any chance
2 we could get that today?

3 MS. GOLDSTEIN: Today?

4 MR. STORM: Yes. I mean I
5 don't know where it is. I don't know
6 how big a deal it is to get it down
7 here. Obviously we're not going to walk
8 out with an original.

9 MS. GOLDSTEIN: It would be
10 -- I mean you realize that his office is
11 nowhere near here; it's an hour --

12 MR. STORM: No, I don't
13 know.

14 MS. GOLDSTEIN: Oh, okay.
15 His office is an hour away from here.
16 He's not in Philadelphia and he doesn't
17 have --

18 THE WITNESS: The notebook
19 is probably in storage. I'd be glad to
20 get it out and copy the appropriate
21 pages, but I'd have to do that actually
22 Thursday morning. I am away tomorrow
23 also.

24 MR. STORM: Okay. I think